

APPEAL NO. 022060
FILED SEPTEMBER 23, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on July 22, 2002. The hearing officer determined that (1) the appellant (claimant) did not sustain a compensable injury on _____; (2) the claimant did not have disability; (3) the date of the claimed injury is _____; and (4) the claimant timely gave notice to his employer of the claimed injury pursuant to Section 409.001. The issues of the date of injury and timely notice to the employer have not been appealed and the hearing officer's determinations on those issues has become final. Section 410.169.

The claimant appealed the injury and disability issues alleging that the hearing officer misconstrued the evidence and turned the claimant's lack of medical knowledge into a credibility issue. The respondent (carrier) responds, urging affirmance.

DECISION

Affirmed.

The claimant, a warehouseman, testified that he injured his low back on _____, moving a pallet with a pallet jack. The hearing officer noted that the claimant gave various versions of how or when he injured his back and stated that he did not find the claimant credible. An independent medical examination (IME) doctor testified that the claimant had scoliosis, an ordinary disease of life, which predisposed the claimant to backaches. The fact question before the hearing officer was whether the back pain the claimant experienced on _____, was due to the scoliosis or was a work-related sprain/strain. The IME doctor also testified that a sprain/strain suffered on _____, would have resolved by the time the doctor saw him on January 22, 2002.

We have reviewed the complained-of determinations and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We hold that the hearing officer's determinations are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **COMMERCE & INDUSTRY INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750
AUSTIN, TEXAS 78701.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Susan M. Kelley
Appeals Judge